

HOUSE BILL 1488

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6, relative to the attorney general and reporter's duty to represent a local education agency and its employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 8-6-109(b), is amended by adding the following language as a new subdivision:

() To defend a local education agency (LEA) or an LEA's employees, in an employee's individual or official capacity, upon the LEA or employee's formal request in writing, in any court or administrative tribunal arising out of an LEA or employee's adoption of a policy or practice designed to protect the privacy of students from exposure to others of the opposite biological sex in situations where students may be in various states of undress by requiring all students, faculty, and staff to utilize the restroom, locker room, or other facility that corresponds to that individual's biological sex. In the event that the attorney general and reporter determines that the best interest of the state, LEA, or employee requires private counsel, the LEA or employee shall be notified and shall have the right to file for reimbursement of defense costs in accordance with chapter 42 of this title in the same manner as state employees. The state shall indemnify and hold harmless the LEA or employees from any judgment, fine, penalty, award of plaintiff attorneys' fees, or other judgment obtained as a result of a legal proceeding arising out of the adoption of any such policy or practice. As used in this subdivision, "employee" or "employees" means an LEA's present or past directors of schools, board members, teachers, or nonprofessional staff members.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.